

COMP

SEAN K. CLAGGETT, ESQ.

Nevada Bar No. 008407

WILLIAM T. SYKES, ESQ.

Nevada Bar No. 009916

MATTHEW S. GRANDA, ESQ.

Nevada Bar No. 012753

CLAGGETT & SYKES LAW FIRM

8751 W. Charleston Blvd., Ste. 220

Las Vegas, NV 89117

(702) 655-2346 - phone

(702) 655-3763 – fax

sclaggett@claggettlaw.com

wsykes@claggettlaw.com

mgranda@claggettlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRANSGLOBAL PRODUCT LICENSING,
LLC,

Plaintiff,

v.

HOODIEPILLOW, INC.,

Defendant.

CASE NO.: 13-1980

DEPT. NO.:

COMPLAINT

COMES NOW, Plaintiff, TRANSGLOBAL PRODUCT LICENSING, LLC, by and through its attorneys, CLAGGETT & SYKES LAW FIRM, and complaining of the Defendant, alleges as follows:

PARTIES

1. Plaintiff, TRANSGLOBAL PRODUCT LICENSING, LLC (hereinafter “Transglobal” or “Plaintiff”) is and, at all times mentioned herein, was a limited liability

1 company, duly formed and existing under the laws of the State of Nevada.

2 2. Plaintiff is informed and believes, and thereon alleges that Defendant,
3 HOODIEPILLOW, INC. (hereinafter “HoodiePillow” or “Defendant”) is and, at all times
4 mentioned herein, was a for-profit corporation organized under the laws of the State of New
5 Jersey, doing business in the State of Nevada, County of Clark.

6 **JURISDICTION AND VENUE**

7 3. This is an action for patent infringement arising under the patent laws of the
8 United States, Title 35, United States Code.

9 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
10 1338(a).

11 5. On information and belief, Defendant is subject to personal jurisdiction in the
12 District of Nevada (hereinafter the “District”), consistent with the principles of due process and
13 the Nevada Long Arm Statute, because Defendant offers its products for sale in this District, has
14 transacted business in this District, has committed and/or induced acts of patent infringement in
15 this District, and/or have placed infringing products into the stream of commerce through
16 established distribution channels with the expectation that such products will be purchased by
17 residents of this District.

18 6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and
19 1400(b).

20 **GENERAL FACTUAL ALLEGATIONS**

21 7. Plaintiff repeats and realleges each and every allegation set forth in the preceding
22 paragraphs, as if fully set forth herein.

23 8. Plaintiff, Transglobal, is the licensee of all right, title, and interest in U.S Patent No.
24
25

1 7,657,954 B1 (the “‘954 Patent”), entitled, “HEAD AND FACE COVERING APPARATUS.”

2 The patent is directed toward a U-shaped travel pillow with an attached hood that allows the
3 user’s face to be encapsulated by the hood. A copy of the ‘954 Patent is attached hereto as
4 Exhibit “1.”

5 9. On information and belief, Defendant is engaged in the design, manufacture, sale
6 offering for sale, importation into, use, and/or sale after importation into the United States
7 specifically the State of Nevada, a product entitled “Travel HoodiePillow.” This product is a U-
8 shaped travel pillow with an attached hood that allows the user’s face to be encapsulated by the
9 hood.

10
11 10. Upon information and belief, the Defendant sells the “Travel HoodiePillow” via the
12 following website: <http://www.hoodiepillow.com/products/travel-hoodiepillow>. Upon
13 information and belief, the Defendant has sold the “Travel HoodiePillow” to residents of the
14 State of Nevada, has marketed the “Travel HoodiePillow” to residents of Nevada, and/or has
15 shipped and/or imported the “Travel HoodiePillow” into the State of Nevada.

16 **FIRST CAUSE OF ACTION**

17 **INFRINGEMENT OF U.S PATENT NO. 7,657,954**

18 11. Plaintiff repeats and realleges each and every allegation set forth in the preceding
19 paragraphs, as if fully set forth herein.

20 12. On February 9, 2010, United States Patent No. 7,657,954 B1 was duly and legally
21 issued to Gwen Bunkers, and is valid and subsisting.

22 13. On or about June 10, 2013, Gwen Bunkers licensed the complete rights under the
23 ‘954 Patent to Plaintiff.

24 14. Plaintiff is informed and believes, and thereon alleges that the Defendant, in violation
25

1 of 35 U.S.C. § 271(a), has been and is currently infringing and/or inducing infringement of,
2 and/or contributorily infringing the '954 patent by, among other things, making, using, offering
3 to sell or selling in the United States, or importing into the United States, products and/or
4 services that are covered by at least claims 1-3 of the '954 patent, including, by way of example
5 and not limitation, products being sold as the "Travel HoodiePillow."

6 15. On or about June 17, 2013, July 11, 2013, August 5, 2013, and August 29, 2013,
7 Plaintiff sent notice to the Defendant that it was infringing upon the '954 Patent. Upon
8 information and belief, the Defendant continues to infringe upon the '954 Patent and that this
9 infringement has been and continues to be willful.

10 16. Unless enjoined by this Court, the Defendant will continue to infringe the '954 patent.

11 17. That it has been necessary for the Plaintiff to retain counsel to prosecute this claim
12 and it is entitled to a reasonable attorney's fee and costs of suit incurred.

13 WHEREFORE, Plaintiff, herein, expressly reserving the right to amend this Complaint
14 up to and including the time of trial to include all items and amounts of damages not yet
15 specifically ascertained, prays this Court for judgment against the Defendant, as follows:

16 1. For a judgment declaring that Defendant has infringed the '954 Patent;

17 2. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's
18 infringement of the '954 Patent, together with interest and costs, and in no event less than a
19 reasonable royalty;

20 3. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35
21 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement;

22 4. For a judgment declaring that this case is exceptional and awarding Plaintiff its
23 expenses, costs, and attorney's fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d)
24
25

1 of the Federal Rules of Civil Procedure;

2 5. For a grant of a preliminary and permanent injunction pursuant to 35 U.S.C § 283,
3 enjoining the Defendant, and its directors, officers, employees, attorneys, agents, and all persons
4 in active concert or participation with any of the foregoing, from further acts of infringement of
5 the patents at issue in this litigation; and

6 6. For such other and further relief as the Court deems just and proper.

7 Dated this 29th day of October, 2013.
8

9 CLAGGETT & SYKES LAW FIRM

10 /s/: Sean K. Claggett

11 By: _____

12 SEAN K. CLAGGETT, ESQ.

13 Nevada Bar No. 008407

14 WILLIAM T. SYKES, ESQ.

15 Nevada Bar No. 009916

16 MATTHEW S. GRANDA, ESQ.

17 Nevada Bar No. 012753

18 8751 W. Charleston Blvd., Ste. 220

19 Las Vegas, NV 89117

20 (702) 655-2346 – Telephone

21 (702) 655-3763 – Facsimile

22 sclaggett@claggettlaw.com

23 wsykes@claggettlaw.com

24 mgranda@claggettlaw.com
25

Attorneys for Plaintiff